

6 WAGES AND OTHER KINDS OF INCOME

A. Definition of Wages

The definition and treatment of wages and other kinds of income can vary, depending on whether they apply to the base period or the benefit year.

Base period wages are the wages for covered employment **paid** during the claimant's base period that are used to determine whether a claimant qualifies for unemployment benefits. If the claimant does qualify, these wages are also used to determine how much the claimant is entitled to receive during his/her benefit year. (See Part 3 for more information about base period wages.)

Benefit year wages are the wages that a claimant earns during his or her benefit year while filing claims for partial unemployment benefits. They include wages for both covered and excluded employment.

When the claimant files a weekly claim certification for a benefit check, (s)he must report the gross amount of wages **earned** from all employers for all work performed in that week. The wages must be reported when earned; it is immaterial when or if the wages are paid.

In addition to wages earned for work performed, claimants must also report any holiday, vacation and/or dismissal/severance pay assigned to the week being claimed. These payments, as well as other types of income, are treated as wages when specific requirements are met. The requirements for each type of payment are listed in the chart below.

Taxable wages are wages for covered employment that must be reported to the Department and on which UI taxes must be paid. See Section 2 for more information about taxable wages.

B. Treatment of Wages and Other Types of Income in the Base Period and the Benefit Year

The following chart provides a detailed explanation of what types of income/payments constitute wages for both the base period and the benefit year.

Type of Pay	When Treated as Base Period Wages	When Treated as Benefit Year Wages
Wages for work performed	<p>If PAID in the base period.</p> <p>Includes: Tips Bonuses* Incentives Overtime Commissions Value of "payment in kind" (goods or services in lieu of wages) "Reasonable value" of services performed by an officer of an S Corporation if a lesser amount was actually paid.</p> <p>Base period wages also include those wages that legally should have been paid in the base period but which were not paid as the result of a controversy, insolvency proceeding under Chapter 128 or a bankruptcy proceeding under 11 USC 101.</p>	<p>If EARNED in a week being claimed.</p> <p>Includes: Tips Bonuses* Incentives Overtime Commissions Value of "payment in kind" (goods or services in lieu of wages) "Reasonable value" of services performed by an officer of an S Corporation if no wages or a lesser amount was actually paid.</p> <p>*i.e. Bonuses for productivity, attendance, length of service, profit sharing, etc.</p>

**** Chart is continued on the next two pages. ****

Type of Pay	When Treated as Base Period Wages	When Treated as Benefit Year Wages
Back Pay	<p>Retroactive wage adjustments for work performed are included as base period wages in the quarter in which they were paid.</p> <p>However, a back payment of wages awarded for a period in which no work was performed is included as base period wages in the quarter in which they would have been paid during the base period, but only if:</p> <ul style="list-style-type: none"> the back pay was awarded under state law, federal law or under a collective bargaining agreement, and the payment for the back pay is made within 104 weeks after the start of the earliest week in the settlement or award. <p>A settlement in lieu of back pay or an award that is for punitive damages or damages other than loss of pay, having no clear or direct relationship to the work and wages that would have been earned during the period in question is not considered back pay wages.</p>	<p>Retroactive wage adjustments for work performed are reportable wages for the week in which they were earned.</p> <p>However, a back payment of wages awarded for a period in which no work was performed is treated as wages for the week the work would have been performed, but only if:</p> <ul style="list-style-type: none"> the back pay was awarded under state or federal law, or under a collective bargaining agreement, and the payment for the back pay is made within 104 weeks after the start of the earliest week in the settlement or award. <p>A settlement in lieu of back pay or an award that is for punitive damages or damages other than loss of pay, having no clear or direct relationship to the work and wages that would have been earned during the period in question is not considered back pay wages.</p>
Cafeteria Plans under S.125(b)	Cash options always included if paid in the base period. Pre-tax salary deductions and payments are not reportable for tax purposes but can be included as base period wages upon request from the claimant, so employers must keep an accurate record of these deductions/payments..	Always treated as wages and reportable in the week the wages were earned from which the deductions were made.
401K Deductions	Always included if deducted from wages paid in the base period.	Always treated as wages and reportable in the week the wages were earned from which the deductions were made.
Holiday Pay	Always included if paid in the base period.	<p>Treated as wages for a given week only if it is “definitely payable” no later than Wednesday of the week following the holiday, except for holidays that fall during the week that includes Christmas Day. For holidays that fall in the week that includes Christmas Day, the holiday pay is treated as wages only if it is definitely payable within 9 days of the week that includes the holiday.</p> <p>“Definitely payable” means that the claimant’s right to such pay is final.</p> <p>Holiday pay includes pay for individual or personal holidays, in addition to recognized legal holidays.</p>

Type of Pay	When Treated as Base Period Wages	When Treated as Benefit Year Wages
Pension Payments	Not included as base period wages.	Never treated as wages. However, benefits can be reduced as the result of a pension payment. See Part 7, Item N for more information about this eligibility issue.
Self-Employment Income	Not included as base period wages.	Not reportable as wages. However, self-employment can raise an eligibility issue. See Part 7, Item T for more information about this eligibility issue.
Sick Pay	Treated as base period wages only if: <ul style="list-style-type: none"> it is paid directly by the employer to the claimant, not by an insurance carrier, and it is paid at the claimant's usual rate of pay. 	Treated as wages only if: <ul style="list-style-type: none"> it is paid directly by the employer to the claimant, not by an insurance carrier, and it is paid at the claimant's usual rate of pay.
Social Security	See Pension Payments	See Pension Payments
Vacation and Dismissal (Severance) Pay	Always included if paid in the base period.	Treated as wages for a given week if: <ul style="list-style-type: none"> the pay was definitely allocated or assigned to a particular week and definitely payable (so that nothing could prevent payment) by the close of that week; and the pay was assigned at the claimant's approximate weekly wage rate or at a rate set forth by union agreement or by a company practice which has been consistently used; and the claimant had due notice of the allocation (i.e., by letter, posted notice, union agreement, etc.) by the close of the week.
Worker's Compensation	<p>Wages that would have been paid in the base period but were not paid due to a work-related injury which resulted in the payment of <u>temporary total or temporary partial disability payments</u> under Wisconsin or federal law are included as base period wages.</p> <p>(NOTE: Permanent partial disability worker's compensation payments <u>are not</u> included as base period wages.)</p>	<p>Worker's compensation payments made under Wisconsin or federal law have the following effect on a week being claimed for unemployment benefits:</p> <ul style="list-style-type: none"> If the claimant receives a temporary total disability worker's compensation payment for a whole week, the claimant is not eligible for any UI payment for that week. If the claimant receives a temporary total or temporary partial disability worker's compensation payment for part of a week, this payment is treated as wages.
	NOTE: If you are reporting a claimant's receipt of worker's compensation, please provide the period covered, along with the name of the insurance company responsible for the payment.	

C. Determining the Amount of Benefits to Pay When the Claimant Reports Wages and/or Other Income on a Weekly Claim for a Benefit Check

The department must add all benefit year wages for a given calendar week together to determine the amount of unemployment benefits payable to the claimant for that week. A calendar week for UI purposes always starts on Sunday and ends on Saturday. If a shift that is started on Saturday is not finished until Sunday, all wages earned during that shift are reportable to the calendar week that includes the Saturday.

If the claimant **worked a total of 40 or more hours** for one or more employers in a given week, no benefits are payable for that week, regardless of the amount of wages earned.

If the claimant **worked, was paid or could have been paid for a total of 35 hours by an employer who paid at least 80% of his/her base period wages**, no benefits are payable for that week, regardless of the amount that was or could have been paid.

Any other claimant who reports wages and/or other types of income on a weekly claim for a benefit check may be entitled to full, reduced or no benefits for that week, depending on the total amount of wages earned and other payments to be treated as wages for the week. The amount of benefits payable for a week of partial unemployment is computed by applying the following “**partial wage formula**”:

1. Subtract \$30 from the gross wages.
2. Multiply the remainder by .67 (67%).
3. Subtract the product (including cents) from the claimant's weekly benefit rate.
4. Round the remainder down to the nearest whole dollar. This is the amount of partial UI benefits payable for the week.

NOTE: The smallest UI check that we will pay is \$5, so if the calculation results in an amount that is less than \$5, no payment is made.

Example

Weekly Benefit Rate (WBR)	= \$200.00
Gross Wages	= \$250.00
Minus \$30.00	= \$220.00
Multiplied by .67	= \$147.40
WBR minus \$147.40	= \$52.60
Round down to nearest dollar	= \$52.00

\$52.00 is the amount of benefits payable for the week.

The chart on the next page shows the highest amount (gross earnings) a claimant can earn in a week and still qualify for a minimum UI payment (\$5.00) using the formula explained above. This amount is called the “maximum weekly earnings” amount. The chart shows the maximum earnings amount for each potential benefit rate.

MAXIMUM WEEKLY EARNINGS CHART

UCB-10-P Handbook for Claimants, Claiming Wisconsin Unemployment Benefits (pages 26-27) explains the effects of earning wages while claiming benefits. The following chart shows the highest amount (gross earnings) you can earn and still qualify for a minimum UI payment. The highest amount for each weekly benefit rate is shown.

To use the chart, find our weekly benefit rate in the appropriate column. The gross weekly amount you can earn and still qualify is shown in the column next to your benefit rate. If your gross earnings do not exceed the maximum earnings amount, you are potentially eligible for a payment. If you have stopped claiming benefits but expect to earn no more than the amount in the maximum earnings column during a given week: Call the telephone number on the back of the UCB-10-P (TO FILE AN INITIAL CLAIM APPLICATION FOR A NEW CLAIM OR TO REOPEN AN EXISTING CLAIM) to reopen an existing claim for that week.

<u>WEEKLY BENEFIT RATE</u>	<u>MAXIMUM EARNINGS</u>	<u>WEEKLY BENEFIT RATE</u>	<u>MAXIMUM EARNINGS</u>	<u>WEEKLY BENEFIT RATE</u>	<u>MAXIMUM EARNINGS</u>	<u>WEEKLY BENEFIT RATE</u>	<u>MAXIMUM EARNINGS</u>
48 *	94.18	119	200.15	190	306.12	261	412.09
49 **	95.67	120	201.64	191	307.61	262	413.58
50	97.17	121	203.14	192	309.11	263	415.08
51	98.66	122	204.63	193	310.60	264	416.57
52	100.15	123	206.12	194	312.09	265	418.06
53	101.64	124	207.61	195	313.58	266	419.55
54	103.14	125	209.11	196	315.08	267	421.05
55	104.63	126	210.60	197	316.57	268	422.54
56	106.12	127	212.09	198	318.06	269	424.03
57	107.61	128	213.58	199	319.55	270	425.52
58	109.11	129	215.08	200	321.05	271	427.02
59	110.60	130	216.57	201	322.54	272	428.51
60	112.09	131	218.06	202	324.03	273	430.00
61	113.58	132	219.55	203	325.52	274	431.49
62	115.08	133	221.05	204	327.02	275	432.99
63	116.57	134	222.54	205	328.51	276	434.48
64	118.06	135	224.03	206	330.00	277	435.97
65	119.55	136	225.52	207	331.49	278	437.47
66	121.05	137	227.02	208	332.99	279	438.96
67	122.54	138	228.51	209	334.48	280	440.45
68	124.03	139	230.00	210	335.97	281	441.94
69	125.52	140	231.49	211	337.47	282	443.44
70	127.02	141	232.99	212	338.96	283	444.93
71	128.51	142	234.48	213	340.45	284	446.42
72	130.00	143	235.97	214	341.94	285	447.91
73	131.49	144	237.47	215	343.44	286	449.41
74	132.99	145	238.96	216	344.93	287	450.90
75	134.48	146	240.45	217	346.42	288	452.39
76	135.97	147	241.94	218	347.91	289	453.88
77	137.47	148	243.44	219	349.41	290	455.38
78	138.96	149	244.93	220	350.90	291	456.87
79	140.45	150	246.42	221	352.39	292	458.36
80	141.94	151	247.91	222	353.88	293	459.85
81	143.44	152	249.41	223	355.38	294	461.35
82	144.93	153	250.90	224	356.87	295	462.84
83	146.42	154	252.39	225	358.36	296	464.33
84	147.91	155	253.88	226	359.85	297	465.82
85	149.41	156	255.38	227	361.35	298	467.32
86	150.90	157	256.87	228	362.84	299	468.81
87	152.39	158	258.36	229	364.33	300	470.30
88	153.88	159	259.85	230	365.82	301	471.79
89	155.38	160	261.35	231	367.32	302	473.29
90	156.87	161	262.84	232	368.81	303	474.78
91	158.36	162	264.33	233	370.30	304	476.27
92	159.85	163	265.82	234	371.79	305	477.76
93	161.35	164	267.32	235	373.29	306	479.26
94	162.84	165	268.81	236	374.78	307	480.75
95	164.33	166	270.30	237	376.27	308	482.24
96	165.82	167	271.79	238	377.76	309	483.73
97	167.32	168	273.29	239	379.26	310	485.23
98	168.81	169	274.78	240	380.75	311	486.72
99	170.30	170	276.27	241	382.24	312	488.21
100	171.79	171	277.76	242	383.73	313	489.70
101	173.29	172	279.26	243	385.23	314	491.20
102	174.78	173	280.75	244	386.72	315	492.69
103	176.27	174	282.24	245	388.21	316	494.18
104	177.76	175	283.73	246	389.70	317	495.67
105	179.26	176	285.23	247	391.20	318	497.17
106	180.75	177	286.72	248	392.69	319	498.66
107	182.24	178	288.21	249	394.18	320	500.15
108	183.73	179	289.70	250	395.17	321	501.64
109	185.23	180	291.20	251	397.17	322	503.14
110	186.72	181	292.69	252	398.66	323	504.63
111	188.21	182	294.18	253	400.15	324 *	506.12
112	189.70	183	295.67	254	401.64	325	507.61
113	191.20	184	297.17	255	403.14	326	509.11
114	192.69	185	298.66	256	404.63	327	510.60
115	194.18	186	300.15	257	406.12	328	512.09
116	195.67	187	301.64	258	407.61	329 **	513.58
117	197.17	188	303.14	259	409.11		
118	198.66	189	304.63	260	410.60		

* Minimum and Maximum weekly benefit rates effective 01/02

** Minimum and Maximum weekly benefit rates effective 01/03